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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
10  
11 Plaintiff,

Case No. CR04-361-MJP

12 v.

13 ROBERT RAY DEARINGER,  
14 Defendant.

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on December  
17 10, 2012. The defendant appeared pursuant to a warrant issued in this case. The United States  
18 was represented by Tessa Gorman, and defendant was represented by Jay Stansell. Also present  
19 was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was sentenced on September 19, 2006, by the Honorable Marsha J. Pechman for  
22 Bank Robbery. He received 100 months of detention, and 2 years of supervised release.

23 **PRESENTLY ALLEGED VIOLATIONS**

In a petition dated November 30, 2012, Senior U.S. Probation Officer Jennifer J. Tien  
alleged that defendant violated the following conditions of supervised release:

1. Using cocaine on or before August 15, 2012, and September 4, 2012, in violation of standard condition #7.
2. Failing to report for urinalysis testing on August 14, 2012, October 14, 2012, October 24, 2012, and October 25, 2012, in violation of the special condition of drug aftercare.
3. Providing an adulterated urine sample on November 29, 2012, in violation of the special condition of drug aftercare.
4. Refusing to answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer, in violation of standard condition #3.
5. Using marijuana on or before November 30, 2012, in violation of standard condition #7.

#### **FINDINGS FOLLOWING EVIDENTIARY HEARING**

Defendant admitted to violations 2 and 5, and waived any hearing as to whether they occurred. Defendant agreed to submit violations 1, 3, and 4, based on the facts contained in the Probation Office's violation report. I found that the facts contained in the Probation Office's report established defendant violated allegations 1, 3, and 4. Defendant was informed the matter would be set for a disposition hearing on December 17, 2012, 9:00 a.m. before District Chief Judge Marsha J. Pechman.

#### **RECOMMENDED FINDINGS AND CONCLUSIONS**

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 10th day of December, 2012.



BRIAN A. TSUCHIDA  
United States Magistrate Judge